

### REMARKS/ARGUMENTS

The Office Action mailed May 7, 2004 has been reviewed and carefully considered. Before entry of the present Amendment, Claims 1-10 were pending, with Claim 1 being in independent form. In the present amendment, all of the previously pending claims (Claims 1-10) are being amended in order to conform with U.S. patent practice (including the deletion of reference numerals to thereby emphasize that the claims are in no way limited to the embodiments shown in the drawings). These claim amendments are not being made for reasons of patentability, but rather for reasons of clarity, and thus should not affect the scope of the claims in any way, shape, or form. Furthermore, it should be noted that the originally filed claims were still clear enough for one skilled in the art to understand and interpret them. The specification is being amended to conform with U.S. patent practice and now recites the priority claim which has already been submitted to, and acknowledged by, the U.S. Patent and Trademark Office (see Notification of Acceptance of Application under 35 U.S.C. 371 (PTO Form PCT/DO/EO/903) dated October 29, 2001, or the Filing Receipt dated October 30, 2001).

Claims 11-90 are being added, with newly added Claims 56, 64, and 68 being in independent form. The following table shows where support for the newly added claims may be found in the originally filed application. The table is only intended to provide examples, and there may be other sections that provide additional support for any of the newly added claims.

Table of support for new claims

Newly Added Claims	Support in originally filed application
11	page 9, lines 9 -11
12	page 9, lines 9 -11
13	page 6, lines 32 -34
14	FIGS. 2 and 4 (step 149); page 7, lines 1-4; page 8, lines 4-8 and line 33 to page 9, line 8
15	page 8, lines 33 -35
16	page 9, lines 4 -6
17	page 9, lines 5 -6
18	page 9, lines 6 -7
19	page 9, lines 4 -6

<b>Newly Added Claims</b>	<b>Support in originally filed application</b>
20	FIGS. 2 and 4 (steps 150-160, 185); page 7, lines 1-21; page 8, lines 24-32 and line 33 to page 9, line 8
21	FIGS. 2-4 (steps 165, 167, 170, 180); page 7, lines 34-36; page 8, lines 24-32
22	FIG. 4 (step 185); page 8, lines 24-32
23	FIG. 4 (step 185); page 8, lines 29-30
24	FIG. 4 (step 175); page 8, lines 30-32
25	FIG. 4; page 8, lines 4-8
26	FIG. 4 (steps 165, 167, 170, 180); page 8, lines 24-32
27	FIG. 4 (step 185); page 8, lines 24-32
28	page 3, lines 13-18
29	page 3, lines 13-18
30	page 5, lines 20-31; page 9, line 18, to page 13, line 9
31	page 5, lines 24-25
32	page 6, line 17
33	page 11, lines 14-15
34	page 11, line 14, to page 12, line 4
35	page 6, lines 23-24
36	page 7, lines 12-13
37	page 7, lines 5-6
38	page 7, lines 15-17
39	FIG. 5; page 13, lines 17-28
40	FIG. 5; page 13, lines 17-28
41	FIG. 5; page 13, lines 17-28
42	FIG. 5; page 13, lines 17-28
43	FIG. 5; page 13, lines 17-28
44	FIG. 6; page 14, lines 21-25
45	FIG. 6; page 14, lines 27-33
46	FIG. 8 (step 348); page 17, lines 21-28
47	FIG. 8 (step 430); page 18, lines 3-28
48	page 12, lines 17-18
49	page 12, lines 19-21

Newly Added Claims	Support in originally filed application
50	page 12, lines 21-22
51	page 12, lines 23-24
52	page 12, lines 28-31
53	page 12, lines 23-28
54	page 13, line 2-5
55	page 12, line 32, to page 13, line 5
56	Claim 1; FIGS. 5-8; page 3, line 13, to page 4, line 7; page 6, lines 4-34;
57	FIGS. 5-8; page 13, lines 13-28
58	FIGS. 5-8; page 3, lines 21-29; page 13, lines 13-28
59	FIGS. 5-8; page 3, lines 21-29; page 13, lines 13-28
60	FIGS. 5-8; page 3, lines 30-34; page 7, lines 4-8; page 13, lines 29-32; page 14, lines 21-27
61	FIGS. 6-8; page 15, lines 25-32;
62	FIGS. 5-8; page 4, lines 1-2; page 7, lines 10-15; page 13, lines 29-32; page 14, lines 21-27
63	FIGS. 7-8; page 16, lines 3-10; page 17, lines 14-20
64	page 12, line 17, to page 13, line 5
65	page 12, lines 23-28
66	page 12, line 32, to page 13, line 5
67	page 12, line 32, to page 13, line 5
68	Claim 1; FIG. 1; page 6, lines 4-34; page 9, line 18, to page 13, line 9;
69	page 9, line 19, to page 12, line 16
70	page 10, lines 5-8
71	page 9, lines 19-22
72	page 11, lines 14-15
73	page 9, line 19, to page 12, line 16
74	page 11, line 14, to page 12, line 4
75	page 12, lines 5-8
76	page 12, lines 9-11
77	page 12, lines 9-16
78	page 12, lines 9-16

Newly Added Claims	Support in originally filed application
79	FIGS. 2 and 4 (step 149); page 7, lines 1-4; page 8, lines 4-8 and line 33 to page 9, line 8
80	FIGS. 2-4 (steps 150-160 and 185); page 7, lines 1-21; page 8, lines 24-32 and line 33 to page 9, line 8
81	FIG. 4; page 8, lines 4-8
82	FIG. 4 (steps 165, 167, 170, 180, and 185); page 8, lines 4-8 and 24-32
83	FIGS. 2 and 4 (step 149); page 7, lines 1-4; page 8, lines 4-8 and line 33 - page 9, line 8
84	page 9, lines 4 -6
85	page 9, lines 5 -6
86	page 12, lines 9-16
87	FIGS. 2-4 (steps 165, 167, 170, and 180); page 7, lines 34-36; page 8, lines 24-32
88	page 3, lines 13-18
89	page 5, lines 20-31; page 9, line 18, to page 13, line 9
90	page 5, lines 24-25

After entry of the present Amendment, Claims 1-90 will be pending, with Claims 1, 56, 64, and 68 being in independent form.

In the May 7, 2004 Office Action, the Examiner objected to Claim 8 because of a misspelling. However, the Examiner appears **not** to be referring to the claims filed with this national stage patent application on October 3, 2001, i.e., the claims as amended under PCT Art. 34 and published in the International Preliminary Examination Report dated March 12, 2001 of the international stage PCT application. As stated at MPEP §1893.01(a)(3), a PCT Art. 34 Amendment properly made in the international stage "will normally be entered into the national stage application by the Office absent a clear instruction from the applicant that the annexes are not to be entered". In this case, applicant made no instruction to not enter the Art. 34 Amendment, thus, the Amendment should have been entered. Regardless, Claim 8 as recited in the listing of claims in the present Amendment does not have this misspelling (as it is based on

the Art. 34 Amendment). Because Claim 8 does not have this misspelling, withdrawal of the objection is respectfully requested.

In the May 7, 2004 Office Action, the Examiner rejected Claims 1-4, 7, and 8, as unpatentable under 35 USC §103(a) over *Yun et al.* (US 5,886,988) in view of *Meiden* (US 5,276,907). Dependent Claims 5, 6, and 9 were rejected as unpatentable under 35 USC §103(a) over *Yun et al.* in view of *Meiden* and further in view of *Scholefield et al.* (US 6,216,006). Dependent Claim 10 was rejected as unpatentable under 35 USC §103(a) over *Yun et al.* in view of *Meiden* and further in view of *Chheda*. (US 6,266,529).

Applicant respectfully disagrees for at least the following reasons.

The invention claimed in the present application is directed to a system and method for controlling the admission of new bearers in a system such that the system load is maintained below a predetermined limit. To do so, when a request for a new bearer is received, it is first estimated whether the needs of the newly received bearer, when added to the current system load, (i.e., the "preliminary load estimate") would exceed the predetermined limit. If it doesn't exceed the limit, the request is granted, i.e., the transmission resources are allocated to the new bearer. After allocating the resources, it is once again checked to see if the resulting load is greater than the predetermined limit.

If the preliminary load estimate exceeds the predetermined limit, a "release of transmission resources' is attempted "in order to bring the resulting load [i.e., the total load, including the new bearer, after the release of resources] under said predetermined limit thereby allowing admittance of said requested bearer" (amended independent Claim 1). In other words, a reduction of transmission capacity resources is attempted and, if the resulting load is under the limit, the requested bearer is admitted.

*Yun et al.* describes a system of admission control, but *Yun et al.* does not teach or suggest the attempted release of transmission resources if the load estimate exceeds the predetermined limit, as the Examiner has admitted (Office Action, page 3, lines 4-5). The Examiner states that *Meiden* teaches such a step. However, *Meiden* is directed to dynamically distributing communication channel load between base stations in a cellular radio communication system. Specifically, *Meiden* discloses an overloaded cell requesting a

neighboring cell to reduce its transmission power level so that the channel capacity of the overloaded cell is effectively increased. This is in contrast to independent Claim 1 of the present invention, in which, after receiving a request to add a bearer which is estimated to result in an overloaded situation, the release of transmission resources is attempted in order to provide greater channel capacity for the new bearer to fit in without overloading the system. In other words, *Meiden* discloses the increase of transmission resources, while Claim 1 recites the decrease of transmission resources.

At least because the combination of *Yun et al.* and *Meiden* does not teach or suggest such a decrease of transmission resources, Claim 1 of the present application is patentable over the combination of *Yun et al.* and *Meiden*. Withdrawal of the rejection and subsequent allowance of Claim 1 are respectfully requested.

At least through their dependence from Claim 1, which is believed to be in condition for allowance, Claims 2-10 are also believed to be in condition for allowance. Withdrawal of the rejection and subsequent allowance of Claims 2-10 are respectfully requested.

Allowance of newly added Claims 11-55 is respectfully requested at least because they depend from Claim 1, which is believed to be in conditions for allowance.

Allowance of newly added Claim 56 is respectfully requested at least because the prior art neither teaches nor suggests an admission control entity in a cellular telecommunication system which, when it receives a bearer request, checks the current load and calculates a preliminary load estimate based at least on the current load and said bearer request, and wherein, if the preliminary load estimate is higher than a predetermined limit, the admission control entity attempts to release transmission capacity resources of the control area in order to bring the resulting load under said predetermined limit thereby allowing admittance of said requested bearer. Furthermore, allowance of newly added Claims 57-63 is respectfully requested based at least on their dependence on Claim 56, which is believed to be in condition for allowance.

Allowance of newly added Claim 64 is respectfully requested at least because the prior art neither teaches nor suggests a mobile station having a multidiversity bearer where the mobile station makes the final transmission power adjustment decision by which (a) transmission power is only increased when the increased power level is equal to, or smaller than, a predetermined upper limit for the transmission power of the connection, and the increased transmission power is

within a power margin for the transmission power, and (b) transmission power is only decreased when the decreased power level is equal to, or larger than, a predetermined lower limit for the transmission power of the connection, and the decreased transmission power is within said power margin for the transmission power. Furthermore, allowance of newly added Claims 65-67 is respectfully requested based at least on their dependence on Claim 64, which is believed to be in condition for allowance.

Allowance of newly added Claim 68 is respectfully requested at least because the prior art neither teaches nor suggests an admission control method in which the result of admitting a new bearer on the available network capacity is estimated so that it may be determined if at least one cellular telecommunication parameter should be manipulated in order to ensure that the load of the network will remain stable. Furthermore, allowance of newly added Claims 69-90 is respectfully requested based at least on their dependence on Claim 68, which is believed to be in condition for allowance.

Based on the foregoing arguments, allowance of all pending claims is respectfully requested.

Respectfully submitted,

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